

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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LIDUVINA BOSSELAAR, )  
Plaintiff, ) Civil Action No. 04-11033 PBS  
v. )  
UNITED STATES OF AMERICA, *et al.*, )  
Defendants. )  
\_\_\_\_\_  
)

**DEFENDANT UNITED STATES' MOTION TO DISMISS**

Pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure, defendant United States of America hereby moves to dismiss this action for lack of subject matter jurisdiction. The reasons for the foregoing motion are set forth in the accompanying Memorandum of Law.

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Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

By: /s/ Mark T. Quinlivan

MARK T. QUINLIVAN  
Assistant United States Attorney  
United States Attorney's Office  
John Joseph Moakley U.S. Courthouse  
1 Courthouse Way, Suite 9200  
Boston, MA 02210  
617-748-3606

Dated: November 8, 2004

CERTIFICATE PURSUANT TO LOCAL RULE 7.1(a)(2)

Pursuant to Local Rule 7.1(a)(2), I certify that, on November 8, 2004, I called the offices of plaintiff's counsel to confer regarding this motion. I was informed that plaintiff's counsel was in a meeting, left my name and number with his office, and requested that plaintiff's counsel contact me. As of 5:00 p.m. on this date, I had not been contacted by plaintiff's counsel.

/s/ Mark T. Quinlivan  
MARK T. QUINLIVAN  
Assistant United States Attorney

CERTIFICATE OF SERVICE

This is to certify that I have this day served upon the person listed below a copy of the foregoing Memorandum of Law in Support of Defendant United States' Motion to Dismiss, by depositing in the United States mail a copy of same in an envelope bearing sufficient postage for delivery:

Dino M. Colucci, Esq.  
Colucci & Colucci, P.C.  
552 Adams Street  
Milton, MA 02186

This 8th day of November 2004.

/s/ Mark T. Quinlivan  
MARK T. QUINLIVAN  
Assistant United States Attorney